



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3018264
Applicant Name: Sarah Telschow (for Verizon Wireless)
Address of Proposal: 2917 South Snoqualmie Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new minor communication facility with 16 panel antennas and 6 equipment cabinets on the roof of an existing structure.

The following approval is required:

Administrative Conditional Use Review –to allow a minor communication utility in a Multifamily, Lowrise Zone. (SMC 23.57.011 B)

BACKGROUND DATA

Site Location and Description

The subject property is developed with an apartment over a community center located west of Martin Luther King Jr Way S between S Snoqualmie St and S Alaska St. The existing four-story structure has one stair penthouse on the roof top. The immediate area is zoned Lowrise 3 Residential-Commercial (LR3 RC) with properties to the west zoned Lowrise 2 (LR2) and Lowrise 3 (LR3); properties to the north zoned Neighborhood Commercial 2-40 (NC2-40); properties to east zone Neighborhood Commercial 1 Pedestrian-40 (NC1P-40); and properties to the south across S Alaska St zoned Single Family 5000 (SF5000).

Public Comment

The public comment period for this project ended May 15, 2015. DPD received no comment letters.

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

Public comment is often received, expressing concern that radio frequency radiation from the proposed facility could be a detrimental impact. The applicant has submitted a “Personal Wireless Service Facility Applicant’s Statement of FCC (Federal Communications Commission) Compliance” and “Non-ionizing Electromagnetic Radiation Report (NIER)” with engineering certification for this proposed facility giving the calculations of radiofrequency (RF) power density. The report was prepared by a Washington State licensed professional engineer. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. In 2013, pursuant to Senate Bill 1183, the Washington State legislature exempted most new and expanded minor telecommunication facilities of this scale from review under Washington’s State Environmental Policy Act (SEPA). Furthermore, the FCC has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures for RF transmission are warranted.

The proposal is to install antennas and supporting equipment on the existing rooftop and penthouse rooftop basement of an existing 4 story building. This facility will be visually screened behind panels that will be designed to have the appearance of stucco walls that is part of the building, similar to the existing walls of the structure. From farther away, it will look like part of the building.

There are several properties within the applicant’s search ring that are in more intensive zones than the subject site but the applicant either was not able to secure leases on these site or specific attributes of the sites did not meet the applicants needs for a new facility. Therefore, the proposed site is the least intrusive location consistent with effectively providing service per Director’s Rule 19-2013. This proposal is the least intrusive facility.

No additional noise impacts are anticipated and all equipment must operationally meet the requirements of the Noise Ordinance. No parking spaces or dwelling units will be removed. After a brief construction period, there are no additional traffic impacts anticipated.

- 2. The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The proposal will be screened and designed to have the appearance of the existing penthouse and structure. This will mitigate visual impacts to the greatest extent practicable.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
- a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed minor communication utility is not located within 100' of a Major Institution Overlay. This criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposed antennas will exceed the height limit, but is the minimum necessary for the effective functioning of the minor communication utility. A radio frequency (RF) engineer has provided analysis that indicates the height of the antennas is the minimum required to be effective.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. This criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. Once installation of additional antennas and equipment to the facility has been completed, occasional visits would occur for routine maintenance at a similar frequency as does the existing facility. No additional long-term traffic is anticipated.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **GRANTED**.

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

None.

Signature: Betty Galarosa for Date: September 17, 2015
Tina Capestany, Land Use Planner II
Department of Planning and Development

TC:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.